

MIOSHA news

Vol. 9, No. 4

Michigan Occupational Safety and Health Administration (MIOSHA)

Fall 2005

THE FALLS MUST STOP!

MIOSHA Launches Campaign to Reduce or Eliminate Construction Fatalities Caused by Falls

By: Robert Pawlowski, CIH, CSP, Director
Construction Safety and Health Division

The construction industry is one of the most hazardous industries in Michigan—and **falls are the single leading cause of accidents and fatalities in this industry**. Only about four percent of Michigan's workforce is employed in construction—however, construction fatalities account for more than 40 percent of all fatal workplace accidents.

The Michigan Occupational Safety and Health Administration (MIOSHA) is launching an extensive awareness campaign to alert construction employers that they must provide appropriate fall protection and training for employees exposed to fall hazards.

"This year in Michigan, we've had nine fatal accidents in construction caused by falls. This is simply not acceptable," said DLEG Director **David C. Hollister**. "We know that fatal accidents can be greatly reduced when employers follow the rules and apply effective worker safeguards on every jobsite where fall hazards

are present." (See sidebar page 19.)

MIOSHA Fall Protection Rules

MIOSHA has investigated 36 fatalities over the four-year period of 2001 through 2004 related to falls at construction worksites. Because of the high rate of injuries and fatalities related to fall hazards, reducing these hazards is a focus in the MIOSHA five-year Strategic Plan.

In addition, the MIOSHA Construction Safety and Health Division (CSHD) is targeting more resources to conduct inspections in residential construction this construction season. Fall hazards are prevalent in residential construction, which is evident upon review of accident and fatality investigation activity. This residential construction focus includes single-family dwellings and multiple family units (e.g., duplexes, condominiums, apartment buildings).

"Protecting workers must be a priority for employers. Incidents caused by falls can be anticipated and prevented," said MIOSHA Director Doug Kalinowski. "MIOSHA rules require construction employers to implement accident prevention programs that address the variety of hazards they face."

Construction Part 45, Fall Protection, delineates requirements for training and fall protection, including: guardrail systems, safety net systems, personal fall arrest systems, alternative fall protection measures, and/or fall protection plans.

An Accident Prevention Program (APP) that includes supervisor and employee training can also help to prevent injuries and death and is required by **Construction Part 1, General Rules**. MIOSHA's annual tracking of construction accidents indicates that a majority

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Bad Example – The roofing trades are chronically exposed to fall hazards. These roofers need to be using appropriate fall protection equipment.



Michigan Department of
Labor & Economic Growth

From the MIOsha Director's Desk

By: Douglas J. Kalinowski



Take a Stand for Safety and Health!

On August 25th, we helped Michigan employers and employees "Take a Stand for Safety and Health." On that day, 125 of our field staff and supervisors, both consultants and enforcement staff, served as occupational safety and health consultants across Michigan. The response to our offer to provide **citation-free assistance** was tremendous and the feedback that we received from employers, employees and our staff was just as remarkable!

The message that we received from the employers and workers that we helped on that day was, "Thanks! Why haven't you done this before, and when will you do it again?" MIOsha staff reviewed safety and health programs, conducted hazard surveys, provided on-site training and initiated some relationships that probably would not have otherwise been started.

"Take a Stand Day" was just one of the innovative approaches that MIOsha has taken this year, MIOsha's 30th anniversary, to reemphasize and revitalize the awareness and critical importance of workplace safety and health. A key part of that day was the sharing of a "Toolbox" to help employers address safety and health issues in a proactive and practical way. This Toolbox was created using tools and techniques developed by some of the most successful Michigan companies who eagerly shared their ideas.

Make a Difference Week

"Make a Difference Week" September 12th – 16th was also a first for MIOsha. During that week, we provided a series of activities—a different one for each day—to increase employee awareness of occupational safety and health. The "Toolbox" mentioned above was shared with more than 2,000 employers across the state, from Monroe to Marquette and Albion to Alpena.

Stand Down For Safety and Health Day

"Stand Down for Safety and Health Day" was declared on September 16th. We encouraged all employers and employees to use just one part of that day, from a few minutes to an hour, to do something that brings workplace safety and health to the forefront of everyone's mind. It may have been anything from a brief talk to having everyone inspect, clean and repair their personal protective equipment. At MIOsha, we designated part of the morning to gather all of our staff and address our own

workplace culture.

Governor's Forum on Workplace Safety and Health

On November 3rd, the first **Governor's Forum on Workplace Safety and Health** will be held at Macomb Community College. In the morning, a number of CEO's, labor leaders and government officials from around the state will share their perspectives on the importance of worker safety to their organizations. Management commitment is one of the most important parts of effective safety and health systems in all organizations. This commitment, shared by all of the speakers, will send a powerful message to all participants. In the afternoon, a number of companies will share practical solutions they have used to effectively tackle safety and health issues from ergonomic stressors to personal protective equipment.

Safety CD for Manufacturers

We will also use the Governor's Forum to officially release an interactive, safety awareness CD for manufacturers. This CD, through creative animation and real life video examples, covers the majority of safety and health issues faced by manufacturers everywhere. With 22 modules, which can be viewed at the user's pace—the CD is an effective tool to give every employee the basic knowledge of workplace safety and health issues they are likely to encounter. It is available at no cost by contacting our Consultation, Education and Training (CET) Division at 517.322.1809.

The Falls Must Stop

So far this year, there have been 14 construction-related workplace fatalities. Nine of these fatalities have been from falls! Following two successful outreach initiatives that addressed asbestos awareness and trenching hazards—we recently initiated an outreach program to address fall protection. Special efforts in both consultation and enforcement have begun.

Making a Difference

These are just a few of the new strategies that MIOsha has used this year to "Make a Difference" and to continue to work toward reducing injuries, illnesses and fatalities in Michigan workplaces. We will continue these and other avenues to help employers and employees ensure that everyone who goes to work to earn a living comes home safe and healthy at the end of the day.

Douglas J. Kalinowski

MIOSHA “Take a Stand Day” for Safety and Health

Across the state, 120 Michigan employers made the commitment to “Take a Stand” for workplace safety and health on August 25th!



GISH Manager Elaine Clapp and Senior Safety Officer Charles Collier (bottom row) visited ATG Precision Products in Canton. In the top row are Pat Fitch, Maintenance Manager; David Gibson, Director of Operations; and Eric McDowell, General Manager.



CET Health Consultant Dave Humenick (left) presented a “Tool Kit” to Harry Huston, Safety and Health Manager at Evans Tempcon in Grand Rapids.



CET Safety Consultant Richard Zdeb (right) presented a “Tool Kit” to Mark Cooper, President; and Roger Redmond, ISO Coordinator/Safety and Health Director; at Fernco Inc. in Davison.

In a historic campaign, the Michigan Occupational Safety and Health Administration (MIOSHA) dedicated more than 125 professional staff to visit Michigan high-hazard industries targeted by the MIOSHA Strategic Plan.

MIOSHA safety and health professionals—including compliance staff, outreach consultants, managers, and supervisors—were scheduled on “Take a Stand Day” to provide one-on-one consultations. There were no CITATIONS or FINES for participating workplaces. However, participants agreed to correct all serious conditions.

“This unprecedented campaign offers employers the opportunity to partner with MIOSHA—without fear of fines or penalties—to improve their work environment,” said DLEG Director **David C. Hollister**. “I applaud these employers who are stepping up to the plate to make worker safety and health a top priority.”

During the consultation visit, MIOSHA staff worked cooperatively with the companies to recognize hazardous conditions and to effectively address safety and health issues. MIOSHA staff focused on areas of direct concern to the employers, including:

- Explain the application of specific MIOSHA rules,
- Conduct a safety and health hazard survey,
- Evaluate the effectiveness of a safety and health system, and
- Provide other technical assistance.

“Having an effective program to protect worker safety and health is not a drain on business profits—it is an important part of being successful in today’s global economy,” said MIOSHA Director **Doug Kalinowski**.

MIOSHA sent information on this campaign to more than 15,000 employers statewide, with nearly 200 companies responding. MIOSHA could not schedule all the responding companies on “Take a Stand Day,” however; all companies were scheduled for a consultation visit from the MIOSHA Consultation Education and Training (CET) Division.

“Take a Stand Day” is part of special outreach efforts to commemorate MIOSHA’s 30th Anniversary through events that reemphasize the critical importance of workplace safety and health.

MIOSHA was created by Public Act 154 of 1974, as amended, and became effective January 1, 1975.

The photos highlight some of the 120 companies that participated in “Take a Stand Day.”



CET Health Consultant Vita Gray (2nd from L) visited Besser Company in Alpena. From Besser are Duane Rondeau, Safety Dir.; Ken Radke, Main. Mgr.; and Gary Wallace, Union Rep, Local 209 Steel Workers.

Governor’s Workplace Safety & Health Forum

November 3, 2005

Macomb Community College

This forum continues Governor Granholm’s focus on “**Manufacturing Matters**” in Michigan and features

Roman J. Krygier

Vice President, Global Manufacturing
Ford Motor Company

David M. Yacavone

President and CEO
Johnson Technology

David W. Graham

Vice-President of Env. Health & Safety
The Dow Chemical Company

Donald J. Milroy

Group Vice President
Masco Corporation

Wallace E. “Wes” Smith

President

E&E Manufacturing Company

David C. Hollister, Director

Dept. of Labor & Economic Growth

James C. Epolito, President & CEO

Michigan Economic Development Corp.

John W. “Mac” MacIlroy, Pres. & CEO

Michigan Manufacturers Association

Albert L. Lorenzo, President

Macomb Community College

Franklin E. Mirer, Safety & Health Dir.

United Auto Workers (UAW)

Douglas J. Kalinowski, Director

MIOSHA Program

**To register call the MIOSHA
CET Division at 517.322.1809**

Congratulations Herman Miller!

Herman Miller's GreenHouse Seating Operation Receives State's Highest Safety and Health Award



GreenHouse Operations General Manager Greg Wrona and MIOSHA Director Doug Kalinowski display the MVPP Star flag.

On June 27th, Herman Miller Inc., GreenHouse Seating Operation received the Michigan Voluntary Protection Program (MVPP) Star Award from MIOSHA for workplace safety and health excellence.

"Herman Miller is one of Michigan's finest corporate citizens—and is recognized worldwide for their innovative designs and people practices," said DLEG Director **David C. Hollister**. "Now they will also be recognized for their exceptional leadership in safety, health and the environment—which sets a strong corporate example for all Michigan businesses."

MIOSHA Director **Doug Kalinowski** presented the MVPP Star Award to GreenHouse Operations General Manager **Greg Wrona**. State and local elected officials, corporate leaders and MIOSHA representatives were on hand to congratulate employees and management on their outstanding achievement.

Creating Great Places to Work

"Our corporate mission and purpose is focused on creating great places to work—for our customers and also for our Herman Miller employees," said **Brian Walker**, Herman Miller's President and CEO. "A key element of that mission is creating a safe, healthy and productive work environment. Our employee owners are driving continuous improvement in these critical areas, and it is on the strength of their energetic commitment that we earn this award."

This is the most prestigious safety and health award given in Michigan. MIOSHA established the MVPP program in 1996 to recognize employers actively working toward achieving excellence in workplace safety and health. Since 1999, Michigan has recognized 17 MVPP Star companies.

"This award is an encouragement for us at

the GreenHouse, and throughout Herman Miller," said GreenHouse General Manager **Greg Wrona**. "We believe in ongoing improvement in all aspects of our business, and this will inspire us to continue to move forward."

Driving Continuous Improvement

The incidence rates at the Herman Miller GreenHouse are well below the Michigan average for their SIC code 2521, *Wooden Office Furniture*. Their total case incidence rate was 4.8 in 2001, 5.3 in 2002, and 3.5 in 2003—compared to the Bureau of Labor Statistics (BLS)

Michigan industry average of 9.4 in 2001, and 7.8 in 2002 and 2003. The total days away/restricted cases (DART) rate was 2.3 in 2001, 2.7 in 2002, and 2.3 in 2003—compared to the BLS Michigan industry average of 5.5 in 2001, and 4.6 in 2002 and 2003.

"National VPP sites experience 60 to 80 percent less lost work day injuries than would be expected of an average site in their industry," said Kalinowski. "Not only does the MVPP program significantly reduce injuries and illnesses, it also has a tremendous impact on the bottom line."

The GreenHouse employs 450 workers on two shifts, and manufactures Herman Miller's seating products. The MIOSHA review team, **Doug Kimmel**, CET MVPP Specialist; **Rob Stacy**, CET Safety Consultant; and **Cindy Zastrow**, CET Industrial Hygienist; conducted 10 formal and 30 informal interviews during the site visit. The team examined each of the required

elements of their safety and health management system, and found them to effectively address the scope and complexity of the hazards at the site.

Reaching for Excellence

Areas of excellence at the GreenHouse Operations include:

- **Management Commitment** – safety and health responsibilities are defined by the company, with a dedicated safety professional and budget.

- **Employee Involvement** – all employees actively participate in the safety and health management system.

Employees are involved through teams, committee membership, suggestion program and physical inspections.

- **Ergonomic Improvements**—lift tables, ergonomic tools and equipment, and workstation design – are incorporated into work processes.

- **Job Hazard Analysis (JHAs)** – have been developed for all equipment and processes.

- **Monthly Audits** – The entire facility is reviewed monthly. Work team leaders, manufacturing engineers, and safety representatives conduct monthly audits.

- **Electronic Solution Tracking** – an electronic system tracks solution progress to assure all corrections have been made. The system also tracks safety/health audits.

- **Interactive Training** – a variety of interactive methods are used to teach employees safe work practices and hazard recognition.

Herman Miller helps create great places to work, heal, learn, and live by researching, designing, manufacturing, and distributing innovative interior solutions that support companies, organizations, and individuals all over the world. The company's award-winning products, complemented by furniture-management and strategic consulting services, generated \$1.34 billion in revenue during fiscal 2004.

In fiscal 2004 Herman Miller was named recipient of the prestigious National Design Award for product design from the Smithsonian Institution's Cooper-Hewitt, National Design Museum. In 2005, the company was again included in *Business Ethics* magazine's "100 Best Corporate Citizens" and was cited by *Fortune* magazine as the "Most Admired" company in its industry. For additional information visit www.HermanMiller.com. ■



Rob Stacy and Cindy Zastrow (MIOSHA), Tom Egeler, Rich DeLeau, Deb Lambert, Todd Miller, Dave Mallehan, Scott Braak, Mary Arocha, Jamie Bauer, Sheila Ide and Connie O'Neill (MIOSHA).

Congratulations US HardTech!

Gestamp US HardTech Operations in Mason Receives SHARP Award for Safety and Health Excellence

On August 12th, the Gestamp US HardTech operations in Mason became the third facility in the state to receive the prestigious SHARP Award for an exemplary safety and health management system. The company also received the Ergonomic Innovation Award for creative ideas they implemented to reduce worker strain.

MIOSHA established the Michigan Safety and Health Achievement Recognition Program (SHARP) Award to recognize employers that have achieved safety and health excellence far beyond their peers.

"It is an honor today to recognize the Gestamp US HardTech operations for their outstanding safety and health achievements," said DLEG Director **David C. Hollister**. "They have raised the bar for automotive stampings plants—and we applaud their diligent commitment to protect the safety and health of their workers."

Reaching for Zero Incidents

MIOSHA Director **Doug Kalinowski** presented the SHARP Award to President **Sten Sjöberg**, Environmental Safety and Health Manager **Phil Preston**, and the **HardTech Safety Committee**, who accepted the award on behalf of all workers. Local and state officials congratulated employees and management on their outstanding achievement.

"This is a reward based on commitment and hard work from everyone in the plant. We are proud to receive this honorable recognition," said Sjöberg. "The work does not stop here. Until we have zero incidents we are not satisfied, however this is a big step in the right direction."

The Michigan SHARP Program targets small, high-hazard employers—to help them develop, implement and continuously improve the effectiveness of their workplace safety and health

management system. SHARP provides an incentive for employers to emphasize accident and illness prevention by anticipating problems, rather than simply reacting to them.

"The SHARP Program requires a comprehensive consultation visit, and the correction of all safety and health hazards," said Kalinowski. "The HardTech Mason plant has implemented an exceptional safety and health system that has worker protection as its central core."

Achieving Involvement

The MIOSHA Onsite Consultation Program within the Consultation Education and Training (CET) Division operates the Michigan SHARP Program. Onsite consultants work with employers to help them become self-sufficient in managing occupational safety and health. SHARP worksites earn an exemption from "programmed" MIOSHA inspections on a yearly basis.

The HardTech Mason operation's Standard Industrial Classification (SIC) Code is 3465 – *Automotive Stampings*, which is classified as a high-hazard industry. The plant's incidence rates for 2004 are well below the national average for their SIC code.

Gestamp US HardTech management has a written commitment, tied to performance objectives, in which effective environmental, safety and health practices are a top priority in their never-ceasing improvement process. The MIOSHA evaluation team of **Joe Barela**, Onsite Safety Consultant, and **Eric Zaban**, Onsite Health Consultant, found noteworthy professionalism and cooperation between management and workers to foster a safe and healthy work environment.

HardTech has comprehensive safety and health goals, hazard control plans with regular safety and health surveys, and detailed action plans to accomplish their goals and objectives. The company has an effective plan for emergency situations. All employees assigned safety and health responsibilities are provided the resources to do their duties.

HardTech has significant worker involvement, including



Mason City Manager Marty Colburn, Mason Chamber of Commerce President George Hayhoe, Mason Chamber of Commerce Executive Director Doug Klein, Mason Mayor Robin Naeyaert, and HardTech President Sten Sjöberg.

an active safety committee. Employees receive appropriate safety and health training and the safety committee participates in the planning and execution of the training. The committee also participates in planning safety and health activities and evaluating safety and health outcomes.

Implementing Ergonomic Improvements

Work-related musculoskeletal disorders are the most prevalent and one of the most expensive occupational health concerns in the nation. The MIOSHA **Ergonomic Innovation Award** recognizes employers who implement ergonomic improvements that help employees work safely without needing to over-lift, over-reach, sit or stand too long, or use awkward procedures.

Nella Davis-Ray, Safety and Health Manager, CET Division, presented the company with the Ergonomic Innovation Award. The HardTech Mason plant manually loaded their blank material for their presses by hand. Employees had to reach, grip and pull material off pallets and then reload them onto a fixture. They implemented new blanker feeds that load automatically into pin pallets which eliminated repetitive lifting, gripping, bending, and twisting when moving material.

Gestamp US HardTech develops, manufactures and markets safety and structural components for the car industry. The HardTech Mason plant employs about 170 workers and operates 24/7. They are approved to TS 16949 (quality system), and ISO 14001 (environmental systems). They supply General Motors, Ford, DaimlerChrysler and BMW. First delivery was made from the Mason plant in November 1998, and they have grown every year since. Please visit: (www.hardtech.gestamp.com)



With MIOSHA Director Doug Kalinowski (center) are HardTech Safety Committee members: Donna Graham, Cinnamint Harris, Nettie Battle, Ron Huelsman, Phil Preston, Marshall Hall, Mark Dunn and Tom Turek.

What Defines Employer Subcontractors and MIOSHA Regulations

By: Robert Pawlowski, CIH, CSP, Director
Construction Safety and Health Division

MIOSHA enforces workplace safety and health regulations under authority of the Michigan Occupational Safety and Health (MIOSH) Act, Public Act 154 of 1974 as amended.

Employer Responsibility is the Law

The MIOASH Act states in Section 11(a) that it is the employer's responsibility to: "Furnish to each employee, employment and a place of employment which is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee."

The MIOASH Act clearly places responsibility for a safe and healthy workplace on the employer. Section 5 of the MIOASH Act definitions include: "Employee" means a person permitted to work by an employer; and "Employer" means an individual or organization, including the state or a political subdivision, which employs one or more persons.

During the investigation of any worksite or work operation, the MIOASH inspector must establish an employer/employee relationship before MIOASH rules and standards can be applied. While the investigation is ongoing we review contracts and written documents, and conduct interviews to determine what the working relationships are at the worksite.

Who is an Employee?

A number of issues are considered to determine if an employer/employee relationship exists including but not limited to; the important issues of who provides direction to individuals at the worksite with regard to work activity, and who provides wages to individuals at the worksite for work performed.



How employers pay their workers does not diminish their responsibilities to comply with MIOASH rules and regulations.

Let's look at an example of a contractor hired to install an air conditioning unit on a roof, which is construction work under Standard Industrial Code 171. When conducting a MIOASH inspection at this worksite, the question of who the employer is must be answered. If a building owner contracted with a heating and air conditioning contractor, in most cases the building owner is not the employer.

The heating and air conditioning contractor would typically be the employer, because the contractor schedules their employees to work on the project, provides direction to the employees doing the work, and pays them for doing the work. The contractor collecting payment from the building owner would typically be handled separately. In this case the building owner does not control the day-to-day work or provide direct supervision. The building owner may or may not provide the materials in this scenario.

The above determination would also apply if the building owner hired an individual who practices under the auspices of a company such as a corporation, partnership or DBA contractor. However, if a building owner hired an individual as an individual, not as a corporation, partnership or DBA contractor, the building owner could be considered the employer.

There is no easy litmus test for determining an employer/employee relationship. Some items to consider are:

- Who has hire/fire authority?
- Who establishes the hours of work/schedule of work progress?
- Who provides materials/equipment?
- Who provides worker's compensation insurance?
- Who pays the workers?
- Who supervises the workers?

■ The "Economic Realities Test" - who stands to gain from the efficiency of the work performed?

It is not necessary to meet all of the above categories for an employer/employee relationship to exist. However, MIOASH does make a determination based on the above parameters. It is not unusual for employers or their attorneys to appeal a MIOASH citation arguing that an employer/employee relationship does not

exist. MIOASH staff also is occasionally subpoenaed in third party litigation on this issue.

Does a Form 1099 Change the Relationship?

MIOSHA has recently become concerned with what appears to be an increase in employers who issue to their employees Form 1099, and argue that the MIOASH Act does not apply to them because all their employees are "independent contractors." The Form 1099 is an Internal Revenue Service (IRS) form that is used for reporting certain types of income, and is not a factor for MIOASH in determining an employer/employee relationship with respect to MIOASH rules and standards.

We want to make it clear to employers that how they pay their employees does not diminish their responsibilities with regard to the MIOASH Act. MIOASH will be looking at the parameters outlined above to determine if an employer/employee relationship exists.

In addition, in MIOASH and federal OSHA enforcement policy states that "controlling employers" can be held accountable for the actions of their subcontractors through knowledge of unsafe work activity or lack of due diligence in discovery of an unsafe work practice. Controlling contractors as well as subcontractors may have responsibility to ensure that work activities taking place are accomplished in accordance with established MIOASH safety and health standards, under multi-employer worksite provisions.

MIOSHA instructions for Multi-Employer Work Sites state that when two or more employers are involved in work activity on the same site, there may be MIOASH responsibilities across entity lines depending on the amount of involvement in the work process. The MIOASH instruction identifies four types of companies that may have involvement in the exposure of an employee to a hazard.

The MIOASH Act and MIOASH multi-employer worksite provisions (Agency Instruction COM 04-1) can be viewed on the MIOASH website at www.michigan.gov/miosha. You can also refer to: *MIOSHA Issues Multi-Employer Work Site Instruction*, MIOASH News, Winter 2005.

As you can see, there are times when there are multiple issues to sort through to determine whether an employer/employee relationship exists. MIOASH is always willing to discuss these issues with employers and employees, and encourages individuals to contact us at **517.322.1814**, if they have questions. ■

Employee Relationships?

Subcontractors and Workers' Compensation

By: Cheryl Cornellier, Administrator
Insurance Programs
Worker's Compensation Agency

How do I decide if my business needs to carry a workers' compensation insurance policy? Do I have employees or independent contractors? Does it feel like sometimes this is as clear as mud?

Workers' Compensation is the Law

The Michigan Workers' Disability Compensation Act requires that every employer who employs one full-time or three part-time employees is required to carry a workers' compensation insurance policy. A full-time employee is someone who works 35 hours or more a week. Part-time employees are then those who work less than 35 hours a week.

When determining who is an employee, the act says that an employee is every person in the service of another under any contract of hire, expressed or implied. In addition, when the business is something other than a sole proprietor, i.e.; corporation, partnership, limited liability company, the owners are considered employees. They therefore would be added into the count of one full-time or three part-time employees to determine if a policy is required.

A person is not an employee under the Michigan Workers' Disability Compensation Act if they maintain a separate business, hold themselves out to and render a service to the public and are an employer subject to the act.

Who is a Sub-contractor?

So now the burning question is: Are my subcontractors really subcontractors? After reviewing the information above, you believe that the people working for you are subcontractors because you give them a Form 1099 at the end of the year. It takes a little more than that to decide if this is correct.

In addition to the information outlined above there are other factors that should be looked at to determine if this is correct.

- Do they only work for you?
- Do you set their hours?
- Do you set their pay?
- Do you provide the tools and equipment that they use to do their job?
- Do they really have their own business?
- Do they advertise this business?

■ Are they able to and do work for others?

■ Do they have to report to work at a certain time?

■ Are they required to report to work at a certain place and they go from there to the work site?

■ Do they drive a company truck?

If a subcontractor is truly that, then they should be able to prove it. They should be able to show that they have their own business by providing a copy of their assumed name papers. They should be able to show that they advertise in one form or another, whether it is in the local shopping guide or by handing out business cards. They should be able to show that they work for others, if necessary, by providing a list of other contractors they have worked for. Payment for their services should be a mutual decision between the subcontractor and the general contractor or employer.

If the subcontractor cannot prove that they are a subcontractor, then they are most likely the employee of the general contractor or employer. If they are an employee, the employer must pay for the workers' compensation coverage for their employees. They cannot pass this cost along to the employee, as this is a cost of doing business. If a claim is presented under these circumstances, then the general contractor will be responsible for paying the claim.

Penalties for Non-compliance

If the employer, in an attempt to circumvent the workers' compensation act, has employees become independent contractors, the act allows for penalties under the law. The general contractor or employers insurance company will charge premium on anyone working for the general contractor or employer that they are unable to substantiate that they are something other than an employee. The insurance company will assume that they are employees and charge accordingly.

If the subcontractor is able to prove that they are a subcontractor, then this information should be retained by the general contractor or employer to substantiate this for their insurance company and or in case a

workers' compensation claim is made at a later date.

All employers who meet the requirements to comply with the workers' compensation law, will be able to provide those businesses they do work for that they have complied by providing a certificate of insurance or a valid notice of exclusion. Any employer who has not complied with the workers' compensation law, and is required to, may be subject to fines of \$1000 per day and may be imprisoned up to six months. In addition, the business may be required to cease op-



It takes more than a Form 1099 to determine whether a worker is an employee or a subcontractor.

eration until such time as coverage is put into place.

The Michigan Workers' Disability Compensation Act was created to provide protection to both employers and employees. It provides employers with the protection that they cannot be sued. The employees are provided with the protection that they do not have to prove negligence on behalf of the employer to obtain benefits as the result of an injury that arose out of and in the course of, their employment.

So now having said all this, perhaps it is not as clear as mud but dirty water? If you would like additional information or further clarification, please contact the **Compliance Section of the Michigan Workers' Compensation Agency at 517.322.1195.** ■

Dalessandro Contracting Group Lanzo Construction

Dalessandro Faces Penalties of \$283,000 For Willful and Serious Trenching Violations at Two New Locations

On August 30, 2005, MIOSHA cited Dalessandro Contracting Group in Detroit with \$283,000 in proposed penalties for allegedly failing to adequately protect employees from trenching and excavation hazards at two new locations.

On October 13, 2004, MIOSHA cited D'Alessandro Contracting Group with \$214,000 in proposed penalties for three alleged willful and five alleged serious violations at an excavation site. On June 25, 2004, MIOSHA opened this complaint investigation with Lanzo Construction, and was advised by a company official during the investigation that the company name had been changed to D'Alessandro Contracting Group.

Lanzo Construction has a history of significant MIOSHA violations—including a trenching fatality—and has shown a disregard for protecting its workers. On June 8, 2005, Lanzo Construction Company was the first company in the state to be debarred by Governor Granholm from state government work. (See sidebar.)

"What is it going to take for this employer to provide the basic safety protections for its workers?" said DLEG Director **David C. Hollister**. "Dalessandro Contracting Group has a sad history of placing its workers in harm's way. This continued indifference to worker safety cannot be tolerated—its workers deserve better."



Dalessandro employees were working in a near vertical trench more than seven feet deep with no trenching protection, at a water main installation on Witherell St. in Detroit.

Inspections Reveal Dangerous Conditions

Excavation protection is essential, since the sides of a trench can collapse with great force and without warning, burying workers beneath tons of soil before they have a chance to react or escape. To ensure worker safety at excavations more than five feet deep, walls must be sloped or shored, or trench shields or boxes must be used, to prevent serious injuries or fatalities.

In the two new scheduled inspections, Dalessandro employees were working on water main installations in Detroit. On May 16 through 18, 2005, MIOSHA conducted an inspection at Seward St. east of the Lodge Service Drive. Employees were working in a near vertical trench approximately 21 feet long, 11 feet wide and more than nine feet deep, with no trenching protection.

On June 3, 2005, MIOSHA conducted an inspection on Witherell St. east of Woodward Avenue. Employees were working in a near vertical trench 14 feet long, six feet wide and more than seven feet deep, with no trenching protection. The trench was adjacent to the roadbed and had a 14-inch concrete overhang. Conditions found during both inspections revealed dangerous exposures.

Trenching Protection Required

"Dalessandro Contracting Group should be well aware of the MIOSHA requirements to provide protection when workers are exposed to the risks of cave-ins," said MIOSHA Director **Doug Kalinowski**. "MIOSHA will use the full extent of our authority to help ensure that their workers are protected."

Underground utility construction work can be extremely hazardous. In Michigan, only a small percentage of construction employees are engaged in underground work, but a disproportionate number of these workers are killed in trench cave-in accidents. Since 1994, 21 Michigan workers have died as a direct result of trench collapse accidents.

The company received a combined total of four alleged willful violations with a proposed penalty of \$280,000; two alleged serious violations with a proposed penalty of \$3,000; and three alleged other-than-serious violations with no monetary penalty, for a combined total proposed penalty of \$283,000.

A willful violation represents an intentional disregard of the requirements of MIOSHA regulations, or plain indifference to employee safety and health. The company has appealed the citations and penalties for the new inspections, and for the June 25, 2004, inspection (#307696682).

Company, LLC

First Debarment under Granholm Order to Protect State Workers

On June 8, 2005, the administration of Governor Jennifer M. Granholm forbid a company found guilty in a 1999 workplace fatality from state government work until 2013. Lanzo Construction Co., LLC, is the first company to be debarred under contract policies strengthened as a result of Granholm's first executive order, 2003-1. The guidelines cite violations of state and federal law, as well as provide a maximum debarment of eight years.

"The State of Michigan and its corporate partners are held to high standards to protect our workers, citizens, environment and laws," said Granholm. "Those who don't play by the rules won't win state business. Our interests and the reputation of our good corporate citizens are too precious to jeopardize by rewarding those who won't share this responsibility."

On October 21, 2004, Lanzo was found guilty of violating the Michigan Occupational Safety and Health Act. The Roseville company was convicted of ignoring state safety standards contributing to the 1999 death of Lanzo employee Robert James Whiteye. The criminal conviction stemmed from the state's case, first brought by then-Attorney General Granholm.

In the order, Granholm prohibited the state from working with companies violating environmental, consumer protection, and worker safety and health laws.

In accordance with the Department of Management and Budget Act and the EO, as well as private and public sector input, vendors now have a clear expectation of performance, and Michigan's interests are better protected.

Vendors can now be debarred on the basis of:

- Criminal conviction related to the business conducted with the state;
- Embezzlement, forgery, bribery and other offenses not connected to business with the state;
- Loss or suspension of a license to provide goods or services to state agencies; and
- Conviction of criminal violations of environmental, consumer protection, non-discrimination and worker safety and health laws.

The DMB debarment policy governs all state contractual arrangements and can be viewed at: www.michigan.gov/doingbusiness/0,1607,7-146—78519—,00.html.

Michigan Sugar Company

A focused MIOSHA inspection found serious and willful violations of safety and health rules at the Michigan Sugar Caro plant

Introduction

MIOSHA has developed a new five-year Strategic Plan to guide our resource strategies in helping to protect worker safety and health in Fiscal Years 2004 – 2008. The plan is required of federal OSHA and state-plan states by the Government Performance and Results Act (GPRA) of 1993.

The MIOSHA Strategic Plan focuses on three fundamental goals to reduce workplace injuries, illnesses and fatalities in Michigan. The plan helps us target establishments for inspections that have the most problems, and avoid inspecting those that are providing a safe and healthy work environment. Reducing amputation injuries is a priority area of the Strategic Plan, with the Food Products Industry (SIC 20/NAICS 311) included in this goal.

The General Industry Safety and Health (GISH) Division has initiated “focused inspections,” as an alternative to traditional wall-to-wall inspections, to identify hazards posing serious risks to employee safety and health. Under the focused approach, MIOSHA compliance officers limit the inspection to the work, machines and processes, which contribute to an organization’s major work activity.

MIOSHA Investigation

Michigan Sugar Company is a large manufacturing company that processes sugar beets into sugar. Michigan Sugar employs more than 1,500 seasonal workers and 400 year-round workers at factories in Bay City, Caro, Croswell, and Sebawaing. Michigan Sugar is a cooperative owned by approximately 1,300 sugar beet growers. The processing season begins around October 1st each year, and lasts about five months.

From January 10, to June 15, 2005, MIOSHA conducted a scheduled, focused inspection at the Michigan Sugar facility in Caro, examining only their major work operations. The company employs more than 200 workers at this site during the processing season. During the investigation the senior safety officer made nine onsite visits; he was accompanied by management and the union president. Employees are represented by the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Local 260. Because of the

number of ergonomic-related injuries, a GISH senior health officer (CIH – Certified Industrial Hygienist) conducted an ergonomic inspection of their loading operations; he also examined noise and air contaminant exposures.

This company has been in business since 1906, and should be well aware of the regulations covering their operations. A prior comprehensive inspection was conducted in 1996 at this site. In essence, the compliance officers cited many of the same conditions found during numerous other inspections at Michigan Sugar facilities.

Summary of Violations Identified

On September 13th, MIOSHA cited Michigan Sugar Company with \$277,650 proposed penalties for seven alleged willful/serious violations and 24 alleged serious violations of MIOSHA safety rules at the Caro Plant.

The company is being cited for the alleged willful/serious violations based upon substantive, pervasive conditions within this specific plant, and based upon the MIOSHA history at other Michigan Sugar plants within the state. A total of 47 inspections are documented at Michigan Sugar facilities within Michigan, with hundreds of violations on record.

The alleged willful/serious violations include: failure to guard pinch points in 12 instances; failure to guard floor, wall, stairways and platform openings in seven instances; failure to guard belts and pulleys in 12 instances; failure to guard gears, sprockets or chain drives in eight instances; failure to guard revolving parts in five instances; failure to guard power shafting in 18 instances; and failure to control hazardous energy sources (lockout/tagout).

The 24 alleged serious violations include: lockout/tagout, personal protective equipment (PPE), machine guarding, employee training, exposure to live electrical parts and respiratory protection. The company was cited for two alleged serious violations under the General Duty Clause: the employer did not implement control strategies to reduce or eliminate ergonomic-related injuries; and the employer exposed workers to fall hazards.

The company has 15 working days from receipt of the citations to comply or contest the violations and penalties. ■

Right Rail Inc.

State Files Criminal Charges Against Right Rail, Inc. for a Workplace Fatality

DLEG Director **David C. Hollister** announced that criminal charges have been filed by the Attorney General’s office against Right Rail, Inc., for the workplace fatality of **Richard E. Green**. The six-count complaint was filed August 30, 2005, in the Iosco County District Court.

On Nov. 6, 2002, Green, a 23-year-old equipment operator, was part of a crew installing guardrails along M-65 Highway in Iosco County. Green was operating a machine used to drive guardrail posts into the ground at the side of the road.

While Green was standing alongside the machine with his hand on the control lever, it moved forward. The top of the 22-foot-high mast made contact with a 14,000 volt electric power line, and he was immediately electrocuted.

On March 14, 2003, citations, including alleged willful/serious violations of the MIOSH Act, were issued to the company. These violations, with combined penalties totaling \$77,000, resulted from the inspection of the fatal incident.

A similar incident occurred to Green three months earlier as Right Rail installed guardrail in Calhoun County. Citations were issued as a result of this incident, and the company representative was advised of the MIOSHA requirements for power line clearances and the extreme hazard of working too close to overhead lines.

Electrocution is the second most frequent cause of construction worker death in Michigan. Employee deaths are disproportionately high in workplace accidents on road, bridge, and utility projects.

Several construction safety standards cover construction employees exposed to electrical hazards. In circumstances like the one described in the fatality above, in which the energized line cannot be moved, the standard requires employers to find an alternate method of installation—such as using a truck with a shorter mast or digging the holes by hand.

The preliminary examination was scheduled for September 13th. That examination was continued by the parties to October 25th.

Based on provisions in the MIOSH Act, every willful violation, which is connected to a fatality, is referred to the Attorney General’s office for criminal investigation and/or prosecution. ■

AGC Greater Detroit Chapter Alliance

On June 15th, the Associated General Contractors (AGC), Greater Detroit Chapter and MIOSHA signed a strategic alliance to protect the safety and health of Michigan's construction workers.

The construction industry is one of the most hazardous industries in Michigan. Only about four percent of Michigan's workforce is employed in construction—however, construction fatalities account for more than 40 percent of all

fatal workplace accidents.

"Keeping Detroit-area construction workers safe and healthy on the job is the focus of this alliance," said DLEG Director **Davod C. Hollister**. "This proactive partnership between labor, industry and government, has the potential to save lives by ensuring that worker safety and health plays an integral role in construction projects."

James J. Cole, Jr., Chairman, AGC, Greater Detroit, and Executive Vice President, Skanska USA Building; **Michael P. Smith**, President and CEO, AGC, Greater Detroit; **Doug Kalinowski**, Director, MIOSHA program; and **Connie O'Neill**, Director, MIOSHA Consultation Education and Training (CET) Division, signed the alliance.

"Safety is a top priority of AGC contractors. We are working every day to reduce risk and protect our workers from the dangers that construction sites present," said Cole. "We are proud of the alliance that AGC and MIOSHA are embarking upon today. The benefits will be felt for many years to come in the form of greater safety awareness and hopefully fewer onsite injuries."

The key goals of this alliance include: promote enhanced awareness of worker safety and health to AGC, Greater Detroit members; promote worker safety through education and training opportunities at the jobsite; promote increased implementation of accident prevention programs at members' sites; and promote regular and unscheduled CET safety and health hazard surveys.

While participation by individual employers is voluntary, MIOSHA anticipates that contractors, who embrace the goals of the partnership and who strive to provide a safe and healthy workplace, will experience a decrease in workplace accidents and illnesses, and a decrease in workers' compensation costs.

The AGC, Greater Detroit Chapter has been serving Southeast Michigan since 1916. It is the "Voice of the Construction Industry" and provides services and products to its more than 200 general contractor, specialty contractor and other members responsible for the majority of construction in Southeast Michigan. It offers significant safety and health training to members covering all the skills needed for a safe job site. For more information about the AGC, Greater Detroit Chapter, please go to www.agcdetroit.com. ■



Signing the alliance were Doug Kalinowski, MIOSHA Director; James Cole, Detroit AGC Chairman; Connie O'Neill, CET Director; and Michael Smith, President and CEO, Detroit AGC.

The Construction Association of Michigan Alliance

On August 9th, the Construction Association of Michigan (CAM) and MIOSHA signed a strategic alliance to protect the safety and health of Michigan's construction workers.

"We are proud to sign this alliance, which says we are all on the same team that makes worker safety priority number one," said DLEG Director **Davod C. Hollister**.

Frank Nutt, Jr., Chairman of CAM; **Kevin N. Koehler**, President of CAM; **Doug Kalinowski**, Director, MIOSHA program; and **Connie O'Neill**, Director, MIOSHA Consultation Education and Training (CET) Division, signed the alliance at the expansion project at the Palace of Auburn Hills.

"The alliance between MIOSHA and CAM produces the type of cooperation needed to make a difference in construction safety," said Nutt. "It is imperative that construction employers and workers have the training necessary to sustain a safe and healthy work environment."

Frank Rewold and Son, Inc., is the construction manager for the Palace expansion project, and the first CAM member to participate in the alliance. Rewold Operations Manager **Jeff Cohee** said, "We intend to work with all of our contractors on the Palace worksite, to

protect the safety and health of every worker—while we build a top-quality addition befitting the image of the Palace."

"Construction safety is a top priority and we are proud of the alliance that CAM and MIOSHA are creating today," said Koehler. "The benefits of this cooperation will be felt for many years to come in the form of greater safety awareness and hopefully fewer onsite injuries."

The key goals of this alliance include: increase communication and collaboration between CAM and MIOSHA; promote increased safety and health awareness by using all of CAM's marketing mediums; foster worker safety and health through education and training opportunities at the jobsite; and facilitate regular and unscheduled CET safety and health hazard surveys.

The Construction Association of Michigan, the oldest and largest regional construction association in North America, has been serving its members since 1885. It is a trade association of over 3,700 commer-

cial contracting, subcontracting and supply firms.

While participation by individual employers is voluntary, MIOSHA anticipates that contractors, who embrace the goals of the partnership and who strive to provide a safe and healthy workplace, will experience a decrease in workplace accidents and illnesses, and a decrease in workers' compensation costs. ■



Kevin Koehler, CAM President (standing); Frank Nutt, CAM Chairman; and Doug Kalinowski, MIOSHA Director; signed the alliance.

Michigan Steps Up!

Michigan Surgeon General Urges Businesses To Promote Employee Health

Dr. Kimberlydawn Wisdom, Michigan Surgeon General, is urging businesses across Michigan to make small changes in their environment and policies to make it easier for employees to be healthier at work. The initiative aims to ultimately increase productivity and morale and reduce employee and employer health care costs.

On August 28th, Dr. Wisdom—joined by representatives from Michigan businesses and the Small Business Association of Michigan—announced the newest initiative in **Michigan Steps Up**, her statewide healthy lifestyles campaign. The campaign website, www.michiganstepsup.org, now provides resources for businesses to help employees move more, eat better, and lead a tobacco-free lifestyle.

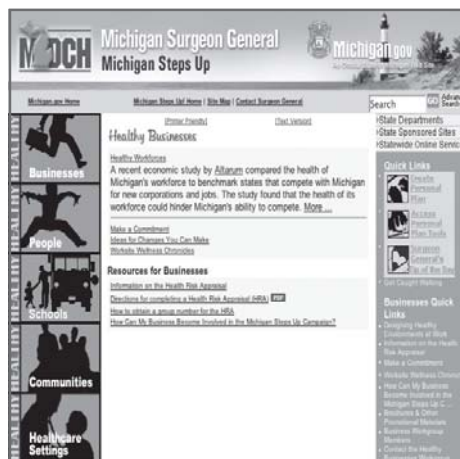
“Unhealthy lifestyles take a significant toll on Michigan’s physical health and fiscal health,” Wisdom said. “Today we are asking businesses to take an important step toward not only improving their bottom line but also to help our ailing workforce and economy.”

Employee Health Impacts Bottom Line

Employers are realizing that employee health impacts the economic future of their businesses. Employees who move more, eat better, and avoid using tobacco products may have higher morale, higher productivity, reduced absenteeism, and lower turnover. Over time, a healthier workforce will reduce future increases in health insurance costs and healthy employees will benefit from lower out-of-pocket expenses for medical care and prescription drugs.

Worksites are the best places to reach the majority of Michigan’s adult citizens to encourage them to lead healthier lifestyles, according to Wisdom. While this can be difficult, especially for small businesses, Michigan businesses of all sizes now have access to low and no cost effective strategies that can assist them in promoting good health, including:

- Assessment tools that suggest changes for a healthier worksite;
- Free, confidential employee health risk appraisals that can provide employees and employers with useful health information;
- Incentives to make at least one change that supports healthy lifestyles at the worksite;
- Low or no cost ways to support healthy lifestyle choices; and
- Contact information for businesses with exemplary health promotion programs.



“We are asking businesses to take a look at what they’re doing to support healthy lifestyles at work and to commit to making at least one change over the next 12 months,” Wisdom said. “Even small changes can lead to big rewards.”

Study Rates Michigan Workforce Health

A recent health care cost comparison study, commissioned by the **Michigan Economic Development Corporation (MEDC)** and conducted by **Altarum**, compared the health of Michigan’s workforce to benchmark states that compete with Michigan for new corporations and jobs. The study found that the health of its workforce could hinder Michigan’s ability to compete. The study ranked Michigan:

- First in death rates from heart disease,
- Second highest in rates of obesity and diabetes,
- Sixth highest in number of smokers,
- Highest in prescription drug use.

Roughly 62 percent of Michigan’s adults are overweight or obese, which increases their risk for more than 30 preventable chronic diseases and conditions, including the leading causes of death in Michigan: heart disease, cancer, stroke and diabetes. These diseases are mainly rooted in unhealthy eating, physical inactivity, and tobacco use.

About three-quarters of Michigan adults report getting less than the recommended 30 minutes of physical activity five or more days a week or not getting any physical activity at all. Physical inactivity in more than four million Michigan adults cost almost \$8.9 billion in health care costs in 2002.

Dr. Wisdom encourages employers to visit their website for assistance in promoting workplace health.

Tracking Work-Related Injuries and Illnesses

On September 27th, the Michigan Department of Community Health (MDCH) and MIOSHA announced the release a new report by the **Council of State and Territorial Epidemiologists (CSTE)** on the tracking of work-related injuries and illnesses.

Tremendous progress in reducing hazards at work has been documented, but workplace injuries and illnesses are still a problem in Michigan and elsewhere.

Unlike other public health problems, those in the workplace by definition are preventable. When the effect of an exposure or hazard can be measured, it is often possible and feasible to construct useful preventative measures.

“Not only will strong information gathering protect our workers and the public, but lessons learned by tracking these indicators over time will help businesses stay competitive,” said MDCH Director **Janet Olszewski**.

This report has detailed information about 19 occupational health indicators in 13 states, including Michigan, and the US. These indicators—such as fatalities, injuries and illnesses, musculoskeletal disorders, amputations, elevated blood lead levels, and lung diseases—provide a snapshot of the health of workers that can be used to design prevention strategies.

MDCH collaborated with the CSTE in the development of the report. MIOSHA will use the report to help plan outreach and compliance activities. Michigan will continue to collect and publish these data under a new, five-year grant from the National Institute for Occupational Safety and Health.

“Prevention is the crucial key to protecting workers,” said MIOSHA Director **Doug Kalinowski**. “This report includes important new data to help us target our resources where they’re needed most.”

MDCH is collaborating with Michigan State University on this project. MSU Professor **Dr. Ken Rosenman** serves as Principal Investigator for this grant. “Work-related injuries and illnesses cost \$1.5 billion annually in workers compensation claims in Michigan,” said Rosenman. “On-going and systematic compilation of injury and illness information, is fundamental in reducing the human suffering from work-related injuries and illnesses.”

A copy of the report, titled “**Putting Data to Work: Occupational Health Indicators from Thirteen Pilot States for 2000**,” is available on the web at www.cste.org. For more information, contact **Martha Stanbury**, MDCH Division of Environmental and Occupational Epidemiology, at 517.335.8350.

CET Awards

MIOSHA recognizes the safety and health achievements of Michigan employers and employees through CET Awards, which are based on excellent safety and health performance.



Front: Richard Zdeb (MIOSHA), Judy Woodham, Scott Stevenson, Martha Yoder (MIOSHA), Pat Hoist, Terri Karle, Bob Pratschler, Larry Schember. Back: Bill Schiller, Jim Oberholzer, Jeff Klender, LeeJay Kueppers (MIOSHA), Tim Woods, Dan Johnson, Joe Liefbroer.

SC Johnson – Bay City Operations

On July 12th, SC Johnson's Bay City Operations received the **Ergonomic Innovation Award** for creative and effective ideas that have been implemented to reduce worker strain. An Ergonomics Program was developed to eliminate work-related musculoskeletal disorders and hazards.

MIOSHA Deputy Director **Martha Yoder** presented the award to **Joe Liefbroer**, Site Manager; **Judy Woodham**, Safety, Health and Environment Manager; **Pat Hoist**, Ergonomics Committee Chair; and the **SC Johnson Ergonomics Committee**. SC Johnson corporate officials were on hand to congratulate the Bay City employees, including: **Bill Schiller**, Vice President, North America Product Supply, and **Tim Woods**, Director, Home Storage Manufacturing.

"Protecting the health, safety and well-being of our employees is a top priority for us, and we are continually committed to provide them with a great place to work," said Liefbroer.

SC Johnson is a family-owned business and operates five plants and one research facility in Bay City, with 460 workers. Products include Saran® Wraps, and Ziploc® brand bags.

Olympic Steel – Detroit Division

On August 19th, the Olympic Steel Detroit Division received the **Bronze Award**, which recognizes leadership and commitment to workplace safety and health resulting in significant improvement their MIOSHA record.

MIOSHA Director **Doug Kalinowski** presented the award to Vice President and General Manager **David Frink**, who accepted on behalf of all employees. Management personnel and union members (International Union of Operating Engineers, Local 547) who are part of the plant's Safety Committee attended the presentation.

"It is truly an honor and a testament to the diligent efforts of the Olympic Steel team to receive this award on behalf of the employees," said Frink.

Special thanks went to **Willie Reynolds**, safety director; **Willie Ayres**, first-shift union steward; **Alex Kelesovski**, second-shift union steward; **Mike Miazga**, maintenance supervisor; and **Kaz Choma, Dave Kinnell, Dave Konkel**, and **Aklum Hussain**, production supervisors; for keeping safety foremost in daily operations.

Olympic Steel was founded in 1954 and is based in Cleveland. The Detroit Division employs approximately 180 workers and performs blanking, slitting and cutting-to-length of flat rolled steel.



Front: Doug Kalinowski (MIOSHA), Linda Long (MIOSHA), Willie Ayers, Willie Reynolds, Aklum Hussain, Mike Miazga. Back: David Frink, Richard Pompey, Ennis McGee, Jeffrey A. Keeton, Alex Kelesovski



Jody Hanold, Plant Manager; Dave Coleman, Safety Coordinator; Scott Wagner, Stacker Shed Supervisor; Penny Bruce, Training Supervisor; Sheila Ide, MIOSHA CET Supervisor; Colleen Stromberg, Endmatcher; and Fred Geyser, Shipping Manager.

Connor Sports Flooring – Northern Michigan

On August 24th, Connor Sports Flooring's Northern Michigan plant received the **Bronze Award**, which recognizes leadership and commitment to workplace safety and health resulting in significant improvement of their MIOSHA record.

CET Supervisor **Sheila Ide** and CET Safety Consultant **Barry Simmonds** presented the award to Plant Manager **Jody Hanold** and Safety Coordinator **Dave Coleman** during a meeting with the plant's first line supervisors.

"We're proud to receive this award which recognizes the dedication and commitment of all employees," said Hanold. "We make the finest sports flooring systems in the world—and we do it in a work environment that protects all of our workers."

Connor Sports Flooring Corporation provides state-of-the-art research and development, manufacturing, pricing, customer service and support, to deliver a wide range of wood and synthetic sports floor systems. They are headquartered in Arlington Heights, Illinois, and have a worldwide network of expert sports facilities specialists and installers.

The Northern Michigan plant employs 115 workers and makes all of Connor's wood products. The plant is ISO 9001 certified.

Education & Training Calendar

Date	Course Location	MIOSHA Trainer Contact	Phone
November			
9	Recordkeeping, Accident Investigation & Work-Comp Strategies Canton	Jennifer Clark-Denson Megan Brown	734.464.9964
10 & 11	MIOSHA 10-Hour for Construction Saginaw	Tom Swindlehurst Adriane Truss	517.371.1550
15	When MIOSHA Visits Shelby Township	Lee Jay Kueppers Kathy Ashley	586.731.3476
17-18	MIOSHA 10-Hour for Construction Benton Harbor	TBA Adriane Truss	517.371.1550
29-30	MIOSHA 10-Hour for Construction Sault Ste. Marie	Jim Dykes Adriane Truss	517.371.1551
30	Fall Protection for the Roofing Industry Southfield	Patrick Sullivan Ed Ratzenberger	248.557.7010
December			
1	Fall Protection Training Bloomfield Hills	Patrick Sullivan Patricia DuFresne	248.972.1133
1	Asbestos Awareness Training Grand Rapids	Dave Humenick Staff	616.331.7180
6	Asbestos Awareness Training Midland	Cindy Zastrow Staff	989.496.9415
6	Lockout and Machine Guarding Clarkston	Richard Zdeb Peggy DesRosier	248.620.2534
8-9	MIOSHA 10-Hour for Construction Grand Rapids	TBA Adriane Truss	517.371.1550
13	Recordkeeping of Occupational Injuries & Illness Shelby Township	Lee Jay Kueppers Kathy Ashley	586.726.2702
14	Health Issues in Construction Escanaba	Cindy Zastrow Brent Madalinski	906.789.6902
14	Excavations: The Grave Danger & Mobile Equipment Hazards Warren	Patrick Sullivan Staff	586.498.4100
15	Recordkeeping, Accident Investigation & Work-Comp Strategies Monroe	Jennifer Clark-Denson Barry Kinsey	734.384.4127
January			
5	MSHARP/MVPP Application Workshop Whitehall	Doug Kimmel Bruce Shepherd	231.894.7554
10	When MIOSHA Visits Clarkston	Richard Zdeb Peggy DesRosier	248.625.5611
11	Asbestos Awareness Training Holland	Dave Humenick Staff	616.331.7180
11	Elements of a Safety and Health Management System Sault Ste. Marie	Barry Simmonds Cont. Educ. Services	906.635.2802
12	MIOSHA Recordkeeping Workshop Lansing	Debra Gundry Sandy Long	517.394.4614
18	Health Issues in Construction Gaylord	Cindy Zastrow Mark McCully	989.705.3631

Co-sponsors of CET seminars may charge a nominal fee to cover the costs of equipment rental, room rental, and lunch/refreshment charges. For the latest seminar information check our website, which is updated the first of every month: www.michigan.gov/miosha.

Construction Safety Standards Commission

Labor

Mr. Tom Boensch**
Mr. D. Lynn Coleman
Mr. Gregg Newsom
Mr. Larry Redfearn

Management

Mr. Peter Strazdas
Mr. Don Staley
Ms. Valerie Warren
Mr. Timothy Wise

Public Member

Dr. Ram Gunabalan

General Industry Safety Standards Commission

Labor

Mr. James Baker**
Dr. Tycho Fredericks
Mr. John Pettinga
Vacant

Management

Mr. Timothy J. Koury
Mr. Thomas Pytlik*
Mr. Michael L. Eckert
Mr. George A. Reamer

Public Member

Ms. Geri Johnson

Occupational Health Standards Commission

Labor

Ms. Margaret Vissman
Dr. G. Robert DeYoung**
Ms. Cynthia Holland
Mr. Michael McCabe

Management

Mr. Richard Olson*
Mr. Robert DeBruyn
Mr. Michael Lucas
Mr. Douglas Williams

Public Member

Dr. Darryl Lesoski

*Chair **Vice Chair

Standards Update

Construction Safety Standards Commission

Governor Appoints New Commissioners

On July 12th, Governor Granholm appointed five new members to the Construction Safety Commission and MIOSHA welcomed them to their first public meeting August 23rd in Lansing. The Construction Safety Standards Commission consists of nine members and provides rules that establish safety standards for construction operations to protect the life and safety of construction workers in Michigan.

D. Lynn Coleman of Ashley, Training Director for the Michigan Laborers Training and Apprenticeship Institute. Coleman is appointed to represent labor and persons actively engaged in construction operations on the employee level for a term expiring 2008. He succeeds Andrew R. Lang whose term has expired.

Ram Gunabalan, M.D. of Clarkston, President of Bio-Magnetic Resonance, Inc. Gunabalan is appointed to represent the general public for a term expiring 2007. He succeeds Kris Mattila whose term has expired.

Gregg A. Newsom of Milford, Training Director for Operating Engineers Local 324 Journeyman & Apprentice Training Fund, Inc. Newsom is appointed to represent labor and persons actively engaged in construction operations on the employee level for a term expiring 2008. He succeeds Daniel J. Corbat who resigned.

Donald V. Staley of Lowell, Safety Manager for the Christman Company. Mr. Staley is appointed to represent management and persons actively engaged in construction operations on the management level for a term expiring 2008. He succeeds Edward W. Tanzini who resigned.

Valerie J. Warren of Flushing, Vice President of Administration and Safety Director for Dee Cramer, Inc. Warren is appointed to represent management and persons actively engaged in construction operations on the management level for a term expiring 2007. She succeeds Cheryl L. Hughes whose term has expired.

Retiring Commissioners

Retiring from the Commission are the following five Commissioners who gave priceless service to the safety of Michigan men and women in the construction industry. They offer heart-felt words for those who will follow.

Dan Corbat of Midland, is the Safety and Training Director for Thermico Inc., and served the commission for eight years. "My desire to work on the commission was driven by my firm belief that people can work in the construction industry injury free. I thought that by involving myself in the rule making process, I could positively impact how our safety standards are written, communicated, interpreted, and ultimately implemented among the good people in construction who work so hard day in and day out."

Cheryl L. Hughes, of Charlotte, is with C & D Hughes, Inc., and was very active with the Michigan Road Building Association. "I consider it an honor and a privilege to serve the state of Michigan for eight years and it is now time to share the opportunity with a new team of commissioners. It is a great responsibility and commitment and I send my best wishes to them. Good Luck to all and keep up the good work."

Andrew K. Lang, of Sanford, is Field Safety Coordinator for Bierlein Demolition Contractors, Inc. Lang was appointed in 1997 to represent employees in the construction industry for a term ending March 18, 2005.

Kris Mattila, Ph.D. (Chairperson) of Houghton, was appointed in 1999 to serve the general public, and is an Assistant Civil Engineering Professor at Michigan Technical University, Houghton. Mattila said his six years of service on the Commission was one of the best public service opportunities he has participated in. "To be part of Michigan's unique method of promulgating Construction Safety Standards was an enlightening experience. The new commission members have a wonderful opportunity to help ensure the safety of Michigan's construction workforce."

Edward W. Tanzini, of Midland, is the President and Owner of The Tancor Corporation. Tanzini was a member representing construction management for a term expiring March 18, 2005. He was appointed in 2002 and served for one term.

To contact any of the Commissioners or the Standards Section, please call 517.322.1845.

Status of Michigan Standards Promulgation

(As of September 26, 2005)

Occupational Safety Standards

General Industry

Part 08.	Portable Fire Extinguishers	Draft rules printed in MI Register
Part 17.	Refuse Packer Units	Approved by Commission for review
Part 18.	Overhead & Gantry Cranes	Final, effective 5/13/05
Part 19.	Crawler, Locomotive, & Truck Cranes	Approved by Commission for review
Part 20.	Underhung Cranes & Monorail Systems	Approved by Commission for review
Part 50.	Telecommunications (Joint)	Draft rules printed in MI Register
Part 58.	Vehicle Mounted Elevating & Rotating Platforms (Joint w/CS 32)	At Advisory Committee
Part 62.	Plastic Molding	Approved by Commission for review
Part 79.	Diving Operations	Approved by Commission for review
Pending	Ergonomics (Joint)	At Advisory Committee

Construction

Part 01.	General Rules	Approved by Commission for review
Part 07.	Welding & Cutting	Final, effective 1/20/05
Part 12.	Scaffolds & Scaffold Platforms	Approved by Commission for review
Part 16.	Power Transmission & Distribution	Final, effective 8/22/05
Part 26.	Steel Erection	Resubmitted for public hearing
Part 30.	Telecommunications (Joint)	Informal rules submitted to SOAHR
Part 31.	Diving Operations	Approved by Commission for review
Part 32.	Aerial Work Platforms (Joint w/GI 58)	At Advisory Committee
Pending	Communication Tower Erection	Approved by Commission for review

Occupational Health Standards

General Industry

Part 451.	Respiratory Protection	Final, effective 4/12/05
Part 504.	Diving Operations	Approved by Commission for review
Part 520.	General Ventilation	Final, effective 4/12/05
Part 526.	Open Surface Tanks	Approved by Commission for review
Part 528.	Spray Finishing Operations	Approved by Commission for review
Part 529.	Welding, Cutting & Brazing	Approved by Commission for review
Pending	Diisocyanates	Approved by Commission for review
Pending	Ergonomics (Joint)	At Advisory Committee
Pending	Latex	Approved by Commission for review

Construction

Part 681.	Radiation in Construction - Ionizing and Nonionizing	Draft rules printed in MI Register
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The MIOSHA Standards Section assists in the promulgation of Michigan occupational safety and health standards. To receive a copy of the MIOSHA Standards Index (updated March 2005) or for single copies and sets of safety and health standards, please contact the Standards Section at 517.322.1845, or at www.michigan.gov/mioshastandards.

RFR Request for Rulemaking
 SOAHR State Office of Admin. Hearings and Rules
 LSB Legislative Services Bureau
 JCAR Joint Committee on Administrative Rules

MIOSHA Quiz

Topic: Respiratory Protection

By: Sundari Murthy, CIH, Health Supervisor
General Industry Safety & Health Division

Questions

- Part 451, the Respiratory Protection Standard, is applicable to?
 - General industry
 - Construction
 - Shipyards
 - All of the above
- Which of the following may constitute a respiratory hazard?
 - Oxygen deficiency
 - Particulates
 - Gases and vapors
 - A – C
- 1910.134(a)(1) allows the use of respiratory protection in which of the following conditions?
 - Engineering controls not feasible, intermittent exposures, exposures below permissible exposure limit (PEL), emergencies.
 - Engineering controls not feasible, emergencies, interim period while engineering controls are being implemented.
 - Emergencies, exposures below PEL, interim period, intermittent exposures.
- T or F** - For the purpose of compliance with this rule, MIOSHA is required by law to recognize as approved only NIOSH-certified respirators.
- When an employer requires an employee to wear a respirator, they must establish and implement a written respiratory protection program. What are the main elements of the respiratory protection program?
 - Selection of respirators
 - Fit testing
 - Medical evaluation
 - A written program, fit testing, medical evaluation, training
 - Training

Answers

- 1. D** – The standard is applicable to all the industries listed above.
- 2. D** – Oxygen deficiency constitutes a great hazard. Depending on the concentration, particulates, gases, and vapors do too. That is why an employer needs to evaluate respiratory hazards and user factors in the workplace to determine the need for and the type of respiratory protection used by employees.
- 3. B** – In emergencies or when employee exposures are in excess of the PEL or when engineering controls are not feasible/being implemented, respirators must be provided to protect the health of the employee.
- 4. True**
- 5. D** – These are listed in 1910.134(c)(1) of the standard.

Variations

Published October 15, 2005

Following are requests for variances and variances granted from occupational safety standards in accordance with rules of the Department of Labor & Economic Growth, Part 12, Variances (R408.22201 to 408.22251).

Variances Requested Construction

Part and rule number from which variance is requested

Part 32 - Aerial Work Platforms: R408.43209, Rule 3209 (8) (a) (b) and Rule 3209 (9)

Summary of employer's request for variance

To allow employer to firmly secure scaffold planks to the top of the intermediate rail of the guardrail system for use as a work platform provided certain stipulations are adhered to.

Name and address of employer

Conti Electric

Location for which variance is requested

General Motors Paint Facility

Name and address of employer

FM Sylvan Piping

Location for which variance is requested

General Motors Body Shop Facility, Delta Township

Name and address of employer

Simplex Grinnell

Location for which variance is requested

University of Michigan Cardiovascular Center, Ann Arbor

Name and address of employer

Ventcon, Inc.

Location for which variance is requested

University of Michigan Cardiovascular Center, Ann Arbor

Variances Granted Construction

Part and rule number from which variance is requested

Part 10 - Lifting & Digging Equipment: R408.41005 a(2), Rule 1005 a(2), Reference ANSI Standard B30.5 "Mobile and Locomotive Cranes". 1994 Edition; Section 5-3.2.1.2b

Summary of employer's request for variance

To allow employer to rig certain loads to the load line of a crane above the overhaul weight in accordance with certain stipulations.

Name and address of employer

John E. Green Company

Location for which variance is requested

GM V-6 Engine Facility, Flint

GM Power Train Facility, Warren

Name and address of employer

Lawrence - Green Fire Protection

Location for which variance is requested

GM Power Train Facility, Warren

Part and rule number from which variance is requested

Part 32 - Aerial Lift Platforms: R408.43209, Rule 3209 (8), and Rule 3209 (9)

Summary of employer's request for variance

To allow employer to firmly secure a scaffold plank to the top of the intermediate rail of the guardrail system of

an aerial lift for limited use as a work platform provided certain stipulations are adhered to.

Name and address of employer

Dee Cramer Inc.

Location for which variance is requested

Detroit YMCA, Detroit

Name and address of employer

Douglas Steel Erection Company

Location for which variance is requested

General Motors L6 Engine Plant, Flint

University of Michigan Cardiovascular Center, Ann Arbor

Name and address of employer

Eugenio Painting Company

Location for which variance is requested

Southeastern High School Renovation/Addition, Detroit

Name and address of employer

John E. Green Company

Location for which variance is requested

General Motors GM Metal Fab Facility, Flint

GM Metal Fab Facility, Flint

General Motors V-6 Global Engine Plant, Flint

GM Power Train Facility, Warren

Name and address of employer

Lansing Electric Motors, Inc.

Location for which variance is requested

General Motors Paint Facility, Delta Township

Name and address of employer

Lawrence - Green Fire Protection Co.

Location for which variance is requested

GM Warren Transmission Plant, X22F 6 Speed FWD Transmission

Name and address of employer

Motor City Electric Co.

Location for which variance is requested

University of Michigan Cardiovascular Center, Ann Arbor

Name and address of employer

Superior Electric Great Lakes Company

Location for which variance is requested

General Motors Paint Facility, Delta Township

Name and address of employer

Swan Electric Company Inc.

Location for which variance is requested

General Motors Paint Facility, Delta Township

Name and address of employer

Whaley Steel Corp.

Location for which variance is requested

Freedom Hill Amphitheater Project, Sterling Heights

Variances Requested General Industry

Part and rule number from which variance is requested

Part 432 - Hazardous Waste Operations and Emergency Response

Summary of employer's request for variance

To use alternative means of protection for bomb squad members when responding to events which might expose them to certain kinds of chemical, biological, radiological, nuclear, and/or high yield explosive elements.

Name and address of employer

Michigan State Police

Location for which variance is requested

714 S. Harrison, East Lansing

What's New on the MIOSHA Website

By: Nella Davis-Ray
Safety and Health Manager
Consultation Education & Training Division

Walk through any MIOSHA office today and you're likely to overhear staff phone conversations with callers looking for MIOSHA information. Listen long enough and you're likely to hear this question, "Do you have access to the web?"

Referring callers to our website, www.michigan.gov/miosha, has become standard practice for requests for MIOSHA standards, publications (including this issue of the MIOSHA News), and information about licensed asbestos contractors.

MIOSHA's Strategic Plan includes the goal to: "Improve the access, quality and promotion of MIOSHA publications, standards and public notices on the Internet." We're proud to say that we're achieving this goal.

Recent Improvements

CET Publications – Requests for printed copies of our publications are at 399,084 so far this year. More and more of our clients are using our website for immediate access to CET publications. This year

the CET Division met their goal to have all of their library publications, brochures, posters, 5 minute safety talks, sample plans and special programs, available online.

CET Events ListServ – Subscribers to this list receive e-mail announcements on a regular basis about upcoming seminars, new publications and other CET Activities. For MIOSHA's Make a Difference Week, September 12 – 16th, subscribers received daily safety and health tips on themes of management leadership, employee involvement, worksite analysis and hazard prevention and control, and employee training.

Policies and Procedures – In 2004 MIOSHA established a uniform document management system for publishing any new or revised instruction that addressed MIOSHA policy and procedure. The system creates a coordinated effort to prepare, publish and distribute instructions. Distribution includes making MIOSHA instructions Internet accessible. Visit the MIOSHA Policies and Procedures page to view our instructions on topics like appeal and settlement processes, Part 18, Overhead and Gantry Cranes, and multi-employer work sites.

Customer Feedback

Improved format, timely press releases,



new initiatives, and alliance partners—the MIOSHA website changes on a daily basis. MIOSHA now has a full-time webmaster devoted to make the site more responsive to our customer's needs.

Tell us about what you want to see on the MIOSHA site. A survey form is available for your convenience to provide feedback. Please complete the "MIOSHA Website Survey" listed as a Quicklink on the MIOSHA homepage. ■

MIOSHA Spanish-Speaking Initiative

By: Val Hicks, Senior Safety Officer
General Industry Safety & Health Division

In the Spring 2005 issue of the MIOSHA News, MIOSHA Director Doug Kalinowski wrote an article on non-traditional approaches to achieve our MIOSHA mission of protecting the health and safety of Michigan workers. Expanding agency resources to reach out to Spanish-speaking workers is an example of these non-traditional approaches.

MIOSHA Staff Learn Spanish

In May 2005, a group of MIOSHA staff completed a year of Spanish-language training. The mission of the course was to learn enough Spanish to be able to conduct initial interviews with Spanish-speaking employees.

This was not your average Spanish class. The class needed specific words for work activities and equipment that the instructor had never heard or used before. Fortunately, federal OSHA has developed a large dictionary of Spanish terms relating to compliance, which was very helpful.

General Industry Safety and Health Division (GISH) Supervisors **Robin Spaulding** and **Kay Salazar** were instrumental in getting the class off the ground. **Sandra Damino**, a Span-

ish instructor, taught the class.

Seven MIOSHA staff completed the course: CS Senior Safety Officer, **Robert Beitel**, Macomb and St. Clair Counties; GI Senior Safety Officer, **Leona Boyer**, Oakland County; GI Senior Industrial Hygienist, **John Byrne**, District 3; GI Senior Safety Officer, **Valerie Hicks**, Huron, Sanilac, St. Clair and Macomb Counties; CET Senior Safety Consultant, **Jeff Kelley**, Macomb County; GI Industrial Hygienist, **Cindy Politowicz**, District 5; and CS Senior Safety Officer, **Eric Waters**, Wayne County.

Spanish Training In Use

During the course, a safety officer in the class received a complaint assignment where an employee lost two fingers on a table saw. The safety officer found the employees where the injury occurred spoke only Spanish. The single employee who could act as interpreter was also the employee's immediate supervisor.

The Spanish instructor, Sandra Damino, accompanied the safety officer and provided services as an interpreter. Damino received greater understanding during this effort, and was better able to guide the class after seeing first-hand what an interview is like.

MIOSHA Spanish Publications & Training

The Consultation Education and Train-

ing (CET) Division has translated five additional publications into Spanish and added them to the Spanish Publications web page,

CET-21s—Camión Montacarga Industrial vs Peatones (Powered Industrial Trucks v. Pedestrians).

CET 0312s—¡Estár Preparado! Sugundos Pueden Salvar Vidas (Be Prepared! Seconds Can Save Lives).

CET 0116bs—Exámin de un Camión Montacarga Industrial (Powered Industrial Truck Operator's Test).

CET 0305s—Cíerrello Fuera! Salve Una Vida (Lock It Out! Save A Life!).

CET 301s—Olvidese de ponerse su casco y usted no podria vivir para contarlo (Forget to wear your hard hat and you may never live to tell about it).

These publications are available by calling the CET Division at 517.322.1809, or by checking the MIOSHA website at www.michigan.gov/miosha, and clicking on Publications.

The **CET Grant program** has also funded a grant to the Southeast Michigan Coalition for Safety and Health to provide basic safety and health training for Spanish-speaking immigrants. Specific areas include: basic first aid, hearing protection, and personal protective equipment. ■

Michigan Safety Conference Celebrates 75 Years!

On April 19th and 20th, the Michigan Safety Conference celebrated 75 years of promoting a safe and healthy Michigan! The conference consistently ranks as one of the top three not-for-profit safety conferences in the nation.

Each year more than 150 dedicated volunteers of business, industry and government leaders from across the state, put immense measure into making the conference an outstanding learning opportunity for attendees.

"I hope our founders would be pleased to see how their organization has progressed," said **Susan Carlter**, President of the 75th Conference. "Since the group's first meeting on April, 11, 1928, at the Hotel Olds in Lansing, the conference has grown to offer more



Barry Simmonds and Anthony Neroni.

than 120 educational sessions and 225 exhibits and demonstration to over 5,000 attendees. As you can see, we remain committed to their vision."

The conference covered a wide range of safety and health seminars from the following divisions: Chemical, Construction and Mining, Consultation Education & Training, Emergency Management, Environmental Management, Fire Safety, Healthcare, Industrial, Industrial Hygiene, Insurance, Occupational Health Nurses, Professional Safety Management, Public Employer, Public Utilities, Security, and Transportation.

Each year nearly 100 MIOSHA safety and health professionals and support staff are involved in seminar planning and



Industrial Hygiene Panel: Susan Blonshine, Sherry Scott, Mike Mosher, Dave Humenick, and Eric Zaban.

implementation. MIOSHA seminars this year included: A MIOSHA Update by MIOSHA Director **Doug Kalinowski**; Construction Safety and Health Enforcement Update; Informal MIOSHA Construction and Asbestos Panel; Confined Space Awareness; Gravesite or Worksite: Creating safe Excavations; Top 25 General Industry Safety Violations; Health Effects of Metalworking Fluids; MVPP: Am I the Best of the Best; Industrial Hygiene Panel on MIOSHA Health Initiatives; Fall in Love: Not to Your Death; Job Safety: A Matter of Life and Death; and Driving for Success: Is Your Program on Track.

MIOSHA encourages anyone associated with safety and health in Michigan to become a part of the conference. It will provide a valuable opportunity to network and exchange ideas and information with safety and health professionals from across the state. For information or to volunteer, call the **Michigan Safety Conference** at **517.630.8340**. ■



Construction Safety Panel: Dan Maki, Rich Sumner, Fred Kirtland, Deb Johnson (now deceased), and Paul Wrzesinski.

Safety Professional of the Year

Richard McLonis, CIH, CSP, CHMM
Assistant VP, Marsh Risk Consulting

Richard McLonis has worked in safety and health positions in various business environments for 20 years. He has held positions from shop floor Safety Coordinator to Director of Corporate Safety.

Rich continues to be devoted to safety and health in his work with Marsh Risk Consulting as he works with the state's Employee Health Management Division of the Office of the State Employer, as well as assisting other clients. He provides gap analysis assessments for safety and workers' compensation program, consultation and assessments for industrial hygiene, indoor air quality, ergonomics and product liability.

He is a board member of the MI Industrial Hygiene Society and the Professional Development Committee of the Greater Detroit Chapter of the American Society of Safety Engineers.



Distinguished Service Award

Debra DeNapoli, Safety Director
William Beaumont Hospital

Debra DeNapoli became active in the Michigan Safety Conference (MSC) Healthcare Division six years ago and held the positions of Vice Chair in 1997 and Chairperson in 1998. She has been a poster presenter at the conference for two years and served on the Printing and Mailing Committee. She is currently Divisional Vice President of the MSC.

Debra was instrumental in developing the Healthcare Division's first Interactive Learning Center at the MSC, where participants could use laptop computer technology and learn important safety information at their fingertips.

She continues to support the mission of the MSC, while adding responsibilities whenever possible. She attends the Healthcare Division's monthly meetings and hosts an annual Beaumont Breakfast meeting for its members.

The Falls Must Stop!

Cont. from Page 1

of construction employers are cited for an inadequate APP and/or lack of adequate task training. A comprehensive and well maintained company Accident Prevention Program that includes supervisor and employee training helps to prevent injuries and death in the construction industry.

Both Construction Part 45 and Part 1 require specific employee training. Employees must be trained on the following issues:

- Use at least one of the following whenever employees are exposed to a fall hazard, in accordance with the applicable rule: guardrail systems; safety net systems; personal fall arrest systems.

- Cover or guard floor holes as soon as they are created during new construction.

- For existing structures, survey the site before working and continually audit as work continues. Guard or cover any openings or holes immediately.

- Construct all floor hole covers so they will effectively support two times the weight of employees, equipment, and materials that may be imposed on the cover at any one time. Covers must be secured and color-coded or marked with the words "HOLE" or "COVER."

- Ensure that employees are trained on the use of fall prevention and/or fall protection systems, and any alternative fall protection measures and/or any fall protection plan that is in place.

- Be aware of the industry-specific compliance alternatives for homes or certain apartment or condominium buildings.

In general, it is better to provide fall prevention systems, such as guardrails, than fall protection systems, such as safety nets or fall arrest devices, because they provide more positive safety means. MIOSHA standards and associated links can be viewed at www.michigan.gov/mioshastandards.

Construction employees must be able to

recognize the hazardous condition before an accident occurs. **It is the employer's responsibility to ensure that their employees possess, at a minimum, adequate training on the above issues and all other training required by standards specific to the work operation or exposure.** Proper training can reduce accidents, related costs and lost production, as well as avoid MIOSHA citations and penalties.

Fall Protection Awareness Campaign

MIOSHA is initiating an extensive "**Fall Protection Awareness Campaign**" to address exposures to fall hazards in construction. The goal of this campaign is to increase awareness of fall hazards in the construction industry and to help ensure that employers are aware of the need to adequately train their employees and provide opportunities to attend training.

"The MIOSHA program is dedicated to protecting the safety and health of Michigan's working men and women," said MIOSHA Director Doug Kalinowski. "We are encouraging construction employers to use all available resources, including MIOSHA outreach services, to provide required employee training."

The fall protection training initiative will be implemented in two phases. The first phase will focus on residential construction and the industry-specific compliance alternatives for homes and certain apartment or condominium buildings. The residential phase mass mailing will be sent to more than 6,000 Michigan construction employers identified as having work activities that may expose employees to fall hazards in residential construction in September 2005, with training seminars beginning in October 2005. The initiative for non-residential fall protection will follow in 2006.

The mailings encourage employers to contact the **MIOSHA Consultation Education and Training (CET) Division**, if they have employees who need training. As workshops are scheduled they will be posted on the CET Calendar on the MIOSHA website at www.michigan.gov/miosha. Employers can also contact their trade association, a safety training/educational consultant or other training center.

Companies can call the **CET Division at 517.322.1809** for seminar dates, locations and partnering opportunities. For more information on MIOSHA standards and fall hazards, companies can contact the **Construction Safety and Health (CSH) Division at 517.322.1856**.

Our goal is to ensure that effective training is provided to construction employees to help reduce or eliminate exposure to fall hazards. ■



Bad example – Of the nine fatalities caused by falls in 2005, four were roofers. This residential roofer needs to be using appropriate fall protection equipment.

Construction Safety and Health Division Fatal Falls – 2005

September 16

Randy VanZalen Builders - Rockford

Randy VanZalen, age 48, was working on a single plank 15 feet above the ground, framing a residential structure. The plank collapsed and the victim fell, landing on his head.

August 19

Nomad Construction - Sault Ste. Marie

Edward Jacques, age 69, was standing on a folding chair; inserting an overhead light. The chair collapsed and he struck his head, causing fatal injuries.

August 10

Ripke Construction - Grayling

Employees were erecting 80-foot-long wooden trusses on a commercial structure. The trusses collapsed, causing the victim, **Kristopher Vogt**, age 28, and several coworkers to fall 14 feet.

July 19

Shoreline Roofing & Construction - Gibraltar

James Campbell, age 41, was working by himself on a pitched roof. It appeared he slipped, sliding down the roof and falling approximately 19 feet.

June 6

Roofcon, Inc. - Auburn Hills

Two workers were cutting holes in a roof deck. The deck broke and the victim, **Ramiro Garcia**, age 29, fell more than 20 feet.

May 31

Acker Steel Erectors - Saline

Workers were preparing to shake out roof decking. The victim, **Greg Creech**, age 32, was traveling on a roof purlin with no fall protection. He lost his balance and fell about 25 feet.

May 11

Exquisite Homes of MI, Inc. - St. Joseph

Two workers were installing soft material from ladders on a residential structure. A gust of wind blew over **Henry Delgado's** ladder, age 38, and he fell about 30 feet.

February 12

Brillante Masonry - Rochester Hills

Two employees were laying brick on a residential structure. The victim, **Vincenzo Barretta**, age 63, fell 10 feet off a tubular welded scaffold.

January 18

V.I.J. Roofing & Remodeling, LLC - Ypsilanti

Three workers were installing roof shingles on a house, without fall protection. The victim, **Joe Kennedy**, age 33, fell off the roof, approximately 40 feet.

How To Contact MIOSHA

MIOSHA Hotline 800.866.4674
Fatality/Catastrophe Hotline 800.858.0397
General Information 517.322.1814
Free Safety/Health Consultation 517.322.1809

Director 517.322.1814 **Doug Kalinowski**
Deputy Director 517.322.1817 **Martha Yoder**

DIVISION	PHONE	DIRECTOR
Appeals	517.322.1297	Jim Gordon (Acting)
Construction Safety & Health	517.322.1856	Bob Pawlowski
Consultation Education & Training	517.322.1809	Connie O'Neill
General Industry Safety & Health	517.322.1831	John Brennan
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CET Grant Program	517.322.1865	Louis Peasley
Employee Discrimination Section	248.888.8777	Jim Brogan
MIOSHA Information Systems Section	517.322.1851	Bob Clark
Standards Section	517.322.1845	Marsha Parrott-Boyle

Website: www.michigan.gov/miosha

If you would like to subscribe to the MIOSHA News, please contact us at 517.322.1809 and provide us with your mailing address. Also if you are currently a subscriber, please take the time to review your mailing label for errors. If any portion of your address is incorrect, please contact us at the above number.



Michigan Occupational Safety and Health Administration
Director: Douglas J. Kalinowski

The MIOSHA News is a quarterly publication of the Michigan Occupational Safety and Health Administration (MIOSHA), which is responsible for the enforcement of the Michigan Occupational Safety and Health (MIOSH) Act.

The purpose is to educate Michigan employers and employees about workplace safety and health. This document is in the public domain and we encourage reprinting.

Printed under authority of the Michigan Occupational Safety and Health Act, PA 154 of 1974, as amended. Paid for with the state "Safety Education and Training Fund" and federal OSHA funds.

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(25,000 copies printed at a cost of \$10,595 or \$0.42 per copy.)